



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James D. Perrick

Examiner: Jordan Lofdahl

Serial No: 10/694,559

Art Unit: 3644

Filed: 10/27/2003

For: WOBBLING FISHING LURE

**RESPONSE TO ELECTION/ RESTRICTION REQUIREMENT**

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to an Election/Restriction Requirement dated March 9, 2004, whereon a one (1)

month time period for response is set to expire on April 9, 2004, applicant in the above-entitled

responds as follows:

**Election of Species:**

Per the requirement of the subject Office Action, citing 35 U.S.C. 121, applicant here selects Subspecies 2A, as represented by figure 3B that is covered by the generic claims of Claims 1 - 3, particularly Claim 1, and therefore should properly not be considered a subspecies. Accordingly, as applicant believes that the lure of figure 3B is properly included with the generic claims, applicant submits and hereby selects, in addition to that of figure 3B, the subspecies 1B of figure 2 that is

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claimed in Claims 8 and 9. This election is made with traverse and applicant respectfully submits that, with the allowance of Claims 1 - 3 that the non-elected subspecies claims that depend upon Claim 1 will properly be allowable, and accordingly, with the allowance of Claim 1 and the claims dependent thereon, that the Subspecies requirement be removed and that the elected and non-elected claims will be allowed.

Respectfully submitted,



M. Reid Russell

MRR/rr

Docket No. 7658

Date: April 2, 2004

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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non- Fee Amendments, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on April 2, 2004.



M. Reid Russell

April 2, 2004

Date

List of items sent:

Proposed Amendment and Response (Two pages

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